IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 858 of 2005.

Date of Decision: **November 17, 2006**.

Smt. Sarla Rathor .....Petitioner.

Versus

Indian Oil Corporation Ltd. and others ……Respondents.

Coram

The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.
The Hon'ble Mr. Justice Deepak Gupta , Judge.

Whether approved for reporting?[1] *No*

For the Petitioner: Mr.Shrawan Dogra, Advocate.

For the Respondents: Mr. K.D. Sood, Advocate.

Deepak Gupta, J. (Oral):

Respondent No.1- Indian Oil Corporation issued advertisement in January, 2005 inviting applications for grant of retail outlets at various places including Sarkaghat- Jahu road and at Sarkaghat. The retail outlet at Sarkaghat- Jahu road was reserved for physically handicapped person and the retail out-let at Sarkaghat was reserved for physically handicapped women. The petitioner who is lady applied for retail outlet at Sarkaghat being a physically handicapped women.

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[1] Whether Reporters of Local Papers may be allowed to see the judgment? Yes

The application of the petitioner was considered by the Selection Committee of the Indian Oil Corporation but since the land which she had identified for setting up the retail outlet was outside the Nagar Panchayat limits of Sarkaghat, she was given nil mark for land and was found not to have obtained minimum marks of 50%.

The petitioner's main grievance is that the respondent- Corporation did not clearly identify and set out the limits of the two retail outlets on Sarkaghat-Jahu road and at Sarkaghat and therefore, the petitioner was not certain as to where the land should be identified for setting up the retail outlet. The case of the petitioner is that the limits of Sarkaghat town extend beyond the Nagar Panchayat limits and therefore she identified some land at Tathar which is just about three kilometres from the centre of Sarkaghat town for setting up the petrol pump.

In our view the contention of the petitioner is not correct. It was the duty of the petitioner while applying for the retail outlet to have ascertained which was the suitable land while applying for the retail outlet at Sarkaghat. She being handicapped was eligible to apply for both the outlets. She chose to apply for the outlet at Sarkaghat reserved for physically handicapped woman. The Indian Oil Corporation took a decision that the limits of Sarkaghat would mean the territorial limits of Sarkaghat Nagar Panchayat. This definition cannot be said to be illogical or unreasonable. The petitioner having not applied for Sarkaghat-Jahu road cannot now complain that the person who has been allotted an outlet on Sarkaghat-Jahu road has set up his outlet at a point nearer to Sarkaghat than the land identified by her.

In our view, there is no merit in the Writ Petition and the same is dismissed.

CMP No. 1708 of 2005.

In view of the order passed in the main matter, interim order dated 1.9.2005 is vacated and the application shall stand dismissed.

(V.K. Gupta), C.J.

November 17, 2006. **(Deepak Gupta), J.**
(rks)